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LEGISLATIVE SUPPLEMENT

	Contents	Pages
Part - I	Acts	
	The Punjab Fruit Nurseries (Amendment) Act, 2021. (Punjab Act No. 7 of 2022)	.. 17-23
Part - II	Ordinances	
	<i>Nil</i>	
Part - III	Delegated Legislation	
	<i>Nil</i>	
Part - IV	Correction Slips, Republications and Replacements	
	<i>Nil</i>	

PART I

GOVERNMENT OF PUNJAB

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS, PUNJAB

NOTIFICATION

The 18th January, 2022

No.7-Leg./2022.-The following Act of the Legislature of the State of Punjab received the assent of the Governor of Punjab on the 28th day of December, 2021, is hereby published for general information:-

THE PUNJAB FRUIT NURSERIES (AMENDMENT) ACT, 2021
(Punjab Act No. 7 of 2022)

AN

ACT

further to amend the Punjab Fruit Nurseries Act, 1961.

BE it enacted by the Legislature of the State of Punjab in the Seventy-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Fruit Nurseries (Amendment) Act, 2021. Short title and commencement.
- (2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In the Punjab Fruit Nurseries Act, 1961 (hereinafter referred to as the principal Act), in the long title, for the word "FRUIT", the word "HORTICULTURE" shall be substituted. Amendment in long title of Punjab Act No. 13 of 1961.
3. In the principal Act, in the preamble, for the word "Fruit", the word "Horticulture" shall be substituted. Amendment in preamble of Punjab Act No. 13 of 1961.
4. In the principal Act, in section 2,- Amendment in section 2 of Punjab Act No. 13 of 1961.
 - (i) for clauses (b) and (c), the following clauses shall be substituted, namely:-
 - "(b) export" means taking the plant material out of the State or out of India by land, sea or air;
 - (c) "horticulture crops" means the crops (as specified in the list provided in the rules) which are in the regular course of business are vegetatively propagated and sold for transplantation;
 - (ca) "horticulture nursery" means any place, where horticulture crops are in the regular course of business are vegetatively propagated and sold for transplantation. Any person who is not an owner of

land, may establish horticulture nursery, if he takes land on lease for a minimum period of ten years;

- (cb) "horticulture plant" means the plant belonging to any of the categories as per list provided in the rules and as the Government may, by notification, declare to be a such plant;
- (cc) "import" means bringing the plant material from outside the State or from other countries for further propagation;
- (cd) "Inspecting Officer" means any officer not below the rank of Horticulture Development Officer;
- (ce) "kind" means one or more related species or sub-species of crop plants each individually or collectively known by one common name such as mango, tomato, etc;
- (cf) "notification" means a notification published in the Official Gazette of the Punjab and the word 'notified' shall be construed accordingly;
- (cg) "nursery person" means any person engaged in the production or sale of horticulture plants;";
- (ii) after clause (d), the following clause shall be inserted, namely:-
- (da) "plant material" means any propagation material used in raising the plants and includes bud wood, scion, root-stock, vegetatively propagated (cuttings, suckers, runners etc.);
- (iii) for clause (f), the following clauses shall be substituted, namely:-
 - "(f) "rootstock" means a horticulture plant or part or tissue culture based plant (e.g. Papaya, Strawberry and Banana) thereof, on which any horticulture plant has been grafted or budded;
 - (fa) "sale" means a sale of plant made within the State or outside the State for cash or other valuable consideration; and"; and
- (iv) in clause (g), for the word "fruit", the word "horticulture" shall be substituted.

5. In the principal Act, in section 3,-

- (i) for the word "fruit" wherever occurred, the word "horticulture" shall be substituted; and
- (ii) for the words and sign "under this Act", the words and signs "under this Act:" shall be substituted and thereafter, the following proviso shall be added, namely:-

"Provided that the Government, may, by notification, appoint such persons, being Gazetted Officers of the Government, as it

Amendment in
section 3 of
Punjab Act No.
13 of 1961.

thinks fit, to be competent officer for the purpose of this Act, specify the limits within which the competent officer shall exercise the powers conferred and perform the functions imposed on such authority by or under this Act. Subject to the provisions of this Act and the rules made thereunder, the competent authority or officer may issue such instructions as may be necessary to the licenced owners for creation of basic infrastructure facilities required such as mother block of required variety, root stock, green house, poly house, net house, provision for solarization of media for the proper propagation of horticulture plants and for ensuring their quality."

6. In the principal Act, in section 4,-

- (i) after sub-section (1), the following sub-section shall be inserted, namely:-

Amendment in
section 4 of
Punjab Act No.
13 of 1961.

"(1A) In case of death of the licensee, if there is any nominee, then, the licence may be transferred in his name within a period of six months from the date of death of the licensee, otherwise, the licence will be deemed to be expired: Provided that if the nurseries owned by State Government or the Central Government or corporate bodies of the State and Central Government are exempted from the payment of registration fee or renewal fee, then they shall get registration under this Act. All the nurseries growing horticulture plants should be registered once in a lifetime, but the license of the nursery will be renewed after every three years. However, the licence will be issued only for those plants which are mentioned in the list attached in the rules.";

(ii) in sub-section (2),-

- (1) in clause (a), for the word "fruit", wherever occurring, the word "horticulture" shall be substituted and thereafter, the following clause shall be inserted, namely:-

"(aa) the soil should be tested free of soil borne pathogens from a recognized laboratory which means diagnostic laboratory of the Department of Plant Pathology, Punjab Agriculture University, Ludhiana or any other laboratory recognized by the competent authority."; and

- (2) in clause (b), for the word "fruit", the word "horticulture", shall be substituted; and thereafter, the following clause shall be inserted, namely:-

"(ba) either owner or his regular employee should be trained in nursery production/management for production of disease-free horticulture plants. The existing horticulture nurseries shall be given one year time to fulfill this condition.";

- (iii) in clause (d), for the word "fruit", the word "horticulture", shall be substituted; and
- (iv) in sub-section (4), for the words and sign "to the applicant.", the words and sign "to the applicant after giving a reasonable opportunity of being heard to the applicant." shall be substituted.

7. In the principal Act, in section 5,-

Amendment in
section 5 of
Punjab Act No.
13 of 1961.

- (i) in sub-section (1), in clauses (b), (c) and (d) for the word "fruit" wherever occurring, the word "horticulture" shall be substituted and thereafter, the following sub-section shall be inserted, namely:-

"(1A) the suspension or cancellation of the licence should be displayed on display board in the horticulture nursery.";

- (ii) after sub-section (3), the following sub-section shall be inserted, namely:-

"(3A) The competent authority may suspend or cancel the license of the horticulture nursery, if the owner does not deposit the inspection fee or fails to inform the inspection officer/authority after due compliance within the period of seven working days of the deposit of the fee to conduct inspection. Such officer or authority shall inspect the horticulture nursery within fifteen working days after receiving the information, otherwise, the horticulture nursery will be deemed to be inspected."; and

- (iii) after sub-section (4), the following sub-section shall be added, namely:-

"(4A) The competent authority should ensure that the status of the licence is displayed on display board in the horticulture nursery.".

8. In the principal Act, in section 6, in the proviso, for the words and sign "fruit nursery.", the words and sign "horticulture nursery:" shall be substituted and, thereafter, the following proviso shall be added, namely:-

Amendment in
section 6 of
Punjab Act No.
13 of 1961.

"Provided further that such authority will give winding up period of not exceeding one year to the owner to enable him to wind up the nursery:

Provided further that in case the licence is cancelled or suspended,

the plants shall be destroyed by the competent authority or any other person authorized by him but not below the rank of Horticulture Development Officer. The competent authority shall order the licensee to uproot the rootstock seedlings and the grafted plants or cultivars and on his refusal to do so, shall engage the manual labour or tractor to uproot or plough the field of the licensee."

9. In the principal Act, in section 8,-

Amendment in
section 8 of
Punjab Act No.
13 of 1961.

(i) in clause (1), for the words, "fruit plant as may be specified in the licence", the words, "planting material as per list provided in the rules" shall be substituted, and thereafter, the following clause shall be inserted, namely:-

"(1A) the licensee should have rootstock and scion mother block of his own or acquire it from Department of Horticulture, or Punjab Agriculture University, Ludhiana, on payment basis subject to availability. The mother block for bud wood (scion) should be maintained in screen house, the specifications for which may be provided by the competent authority. If the licensee wants to operate a second unit, he can use mother plants of rootstock as well as scion shown in the existing licence;"

(ii) after clause (2), the following clause shall be inserted, namely:-

"(2A) "get the certification and traceability from Horticulture Certification Agency (as per provision in section 8 of The Seeds Act, 1966). If any nursery person wants to export the planting material, he has to follow the instructions issued by Horticulture Certification Agency from time to time;"

(iii) in clauses (3) and (4), for the word, "fruit" wherever occurring, the word "horticulture" shall be substituted;

(iv) after clause (4), the following clause shall be inserted, namely:-

"(4A) maintain the quality standards as prescribed by Department of Horticulture, National Horticulture Board or Government of India and should be tested negative for transmissible diseases after every year from the laboratories designated by the competent authority. In case the plant material found infected, it should be destroyed;"

(v) in clause (5), for the word, "fruit" wherever occurring, the word "horticulture", shall be substituted and thereafter, the following clause shall be inserted, namely:-

"(5A) the licensee shall provide specified number of tags prescribed by competent authority for stamp and signature of competent authority or person authorized by him and no horticulture plant shall be sold without such tag. The tag should carry the names of rootstock and scion variety of the horticulture plant;"

(vi) in clause (6), for the word, "fruit", the word "horticulture" shall be substituted and at the end, for the sign and word "; and", the word and sign "as per traceability norms;" shall be substituted; and

(vii) in clause (7), for the words and sign "purchasing it.", the words and sign "purchasing it;" shall be substituted and thereafter; the following clauses shall be added, namely:-

"(8) shall produce the record for inspection on demand by the director or inspecting officer, every licensee should have rootstock and scion mother block of known pedigree of his own or acquire it from Department of Horticulture or Punjab Agriculture University or State Agriculture University of any other state or any Indian Council of Agricultural Research Institutions on payment basis subject to availability and the mother block for bud wood (scion) should be maintained in screen house as per the specifications provided by the competent authority. All rootstock scion shall be taken from accredited nursery, Department of Horticulture and Punjab Agricultural University only. Every licensee, to meet the provisions of sub-section (6) of this section, shall deposit the prescribed fee fixed by competent authority and shall inform the inspection officer or authority within the period of seven working days of depositing the fee for getting the quarterly as well as final inspection done.

(9) In every horticulture nursery, the owner should have a display board of prescribed size, colour and location as decided by competent authority displaying the following information with the paint on left half side of the display board:-

- (i). Name of nursery;
- (ii). License number;
- (iii). Validity period;
- (iv). Source of plant material; and
- (v). Kind of plant material.

(10) The lower right half part of the display board shall be used for giving any important information to the farmers provided by the Department of Horticulture regarding the nursery plants."

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10. In the principal Act, in section 11, -
- (i) in sub-section (1), for the words, "Agriculture Inspector", the words "Horticulture Development Officer" shall be substituted; and
- (ii) in sub-section (2), for the word, "fruit", the word "horticulture" shall be substituted.
- Amendment in section 11 of Punjab Act No. 13 of 1961.
11. In the principal Act, in section 12, the after words and sign "contagious disease or pest.", the following shall be added, namely:-
- "Nobody can bring horticulture plants from outside the state without obtaining the Phytosanitary Certificate issued by the designated authority of the State of Punjab as notified by the Plant Protection Adviser to Government of India, Directorate of Plant Protection Quarantine and Storage, Faridabad."
- Amendment in section 12 of Punjab Act No. 13 of 1961.
12. In the principal Act, in section 13, -
- (i) in sub-section (1), for the words and sign "one thousand rupees.", the words and signs "fifty thousand rupees in the form of damage report. This amount shall be submitted to the Horticulture Certification Agency." shall be substituted; and
- (ii) in sub-section (2), for the word and sign "accordingly:" the word and sign "accordingly." shall be substituted and thereto the proviso shall be omitted.
- Amendment in section 13 of Punjab Act No. 13 of 1961.
13. In the principal Act, in section 16, after the words and sign "for the licence.", the words and sign "The new nursery licence shall not be issued for the period of next ten years."
- Amendment in section 16 of Punjab Act No. 13 of 1961.
14. In the principal Act, in section 19, in sub-section (2), for the word, "fruit" wherever occurring, the word "horticulture" shall be substituted.
- Amendment in section 19 of Punjab Act No. 13 of 1961.

S.K. AGGARWAL,

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Department of Legal and Legislative Affairs.